

SAN LUIS OBISPO PLANNING DEPARTMENT HEARINGS  
MINUTES OF THE MEETING OF

March 3, 2006

Minutes of the Regular Meeting of the County Planning Department Hearings held in the San Luis Obispo County Planning and Building Department Conference Room, County Government Center, San Luis Obispo, California, at 9:00 a.m.

The meeting is called to order at 9:15 a.m. by Warren Hoag, Hearing Officer.

The following action minutes are listed as they were acted upon by the Hearing Officer of the Planning Department Hearings and as listed on the agenda for the Regular Meeting of February 17, 2006, together with the maps and staff reports attached thereto and incorporated therein by reference.

**PUBLIC COMMENT PERIOD**

**Item 2 – DRC2003-00167 - VERIZON WIRELESS/STIMSON** - Eric Michels – lives next door to proposed project and is concerned with the power pole location on his mother's property. States he spoke to the cell site installation company and requested removal of the pole 15 feet north so the guidewires would not come down into the middle of his mother's property. He believes the wires would be hazardous. Says he has no problem with the installation of the cell site itself. Dino Putrino, representative of Verizon Wireless – is present to answer any questions. States removal of the power pole would be subject to a PG&E request. Mr. Michels states PG&E has indicated they would do this but will not pay for the removal themselves. Don Stimson – states he owns the site where the cell site is proposed. His understanding is that any equipment existing there now would not have to be altered. States he was not aware of any concerns with the power pole location. Mr. Michels indicates he has not spoken to any planner regarding this application. Mr. Putrino states he is unaware of any agreement by Verizon or PG&E to remove the power pole. Don Stimson states his understanding is that adequate service was already present at the location by way of a continuation underground from the property that the Michels' have to his property in the form of an existing underground conduit. He was under the impression this would be sufficient for the proposed project. Mr. Michels states he has no problem if no more power wires have to be installed and the pole can be left as is. Hearing officer states the County is limited as to limiting any requirements or conditioning the project, since it is a non-hearing item. States this is based on proper amount of need versus burden in moving the pole. Indicates the issue is whether the County has authority to condition this application. Hearing Officer states that since he cannot make a new condition, for the record, it is agreed that staff will contact Verizon Wireless and the landowners, Mr. Stimson, and discuss whether there will be any physical changes to the Power Pole on the Michels' property. If so, the Hearing Officer encourages staff, Verizon Wireless, Mr. Stimson and the Michels to try to work out a mutually agreeable solution. Hearing Officer also states this is not something he can enforce but is only a statement of intent.

**CONSENT AGENDA:**

None

**NON-HEARING ITEMS:**

1. This being the time set for hearing to consider a request by **FISCALLINI/CINGULAR WIRELESS** for a Minor Use Permit/Coastal Development Permit to allow the construction and operation of an unmanned wireless telecommunications facility consisting of a replacement of an existing water tank (6'4" high, 8' 4" diameter) with a 12' high by 10' diameter water tank, nine equipment cabinets. Four antennas are proposed inside the top extension of the tank. The project will result in the disturbance of approximately 1000 square feet of an approximately 20.14 acres parcel. The project is within the Agriculture Land Use Category and is located at 300 Highway 1, approximately 1 mile from the intersection of Highway 46, in the community of Los Osos. The site is in the Estero Planning Area. This project is exempt under CEQA.

**County File No: DRC2004-00159**

Assessor Parcel Number: 013-181-019 & 022

Supervisory District: 2

Date Accepted: September 1, 2005

Marsha Lee, Project Manager

**MINUTES:**

Hearing Officer: Warren Hoag

**Thereafter, on motion of the hearing officer, this item to be continued to April 7, 2006 due to incorrect site location on the original notice.**

2. This being the time set for hearing to consider a request by **VERIZON WIRELESS/STIMSON** for a Minor Use Permit to allow the construction of a wireless telecommunication facility consisting of 6 antennas mounted on three 15 foot steel poles (2 antennas per pole), associated equipment, utility trenching, and grading. The project will result in the disturbance of approximately 76 cubic yards of a 19.09 acre parcel. The proposed project is within the Agriculture land use category and is located at 2100 Slack Street, approximately 300 yards from the corner of Slack Street and Henderson Street, north of the city of San Luis Obispo. The site is in the San Luis Obispo Planning Area. This project is exempt under CEQA.

**County File No: DRC2003-00167**

Assessor Parcel Number: 073-341-008

Supervisory District 5

Date Accepted: January 17, 2006

Marsha Lee, Project Manager

**MINUTES:**

Hearing Officer: Warren Hoag

**Thereafter, on motion of the hearing officer, the Minor Use Permit is granted based on Findings A through J in Exhibit A and subject to Conditions 1 through 27 in Exhibit B.**

3. This being the time set for hearing to consider a request by **CHRIS AND LISA CHANDLESS** for a Minor Use Permit to allow a modification of the limitation on the maximum distance requirement of a secondary dwelling from a primary dwelling from 50 feet to approximately 150 feet to allow a 795 square foot secondary dwelling and 609 square foot attached garage. The proposed project is within the Residential Suburban land use category and is located at 1851 Lincoln Avenue, approximately 400 feet south of Los Berros Road, approximately three miles north of the community of Nipomo. The site is in the South County (Inland) planning area. This project is exempt under CEQA.

**County File No: DRC2004-00274**

Assessor Parcel Number: 091-032-010

Supervisory District 4

Date Accepted: October 4, 2005

Stephanie Fuhs, Project Manager

**MINUTES:**

Hearing Officer: Warren Hoag

**Thereafter, on motion of the hearing officer, the Minor Use Permit is granted based on Findings A through G in Exhibit A and subject to Conditions 1 through 12 in Exhibit B.**

**HEARING ITEMS:**

4. This being the time set for hearing to consider a request by **MZ ENTERPRISES OF ARROYO GRANDE, INC.** for a Lot Line Adjustment (COAL 05-0315) to adjust the lot lines between two parcels of 18.79 and 26.59 acres each. The adjustment will result in two parcels of 20.2 and

25.18 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Agriculture land use category and is located on the north side of Huasna Road (at 3925 Santa Domingo Road) approximately five miles east of the City of Arroyo Grande. The site is in the Huasna-Lopez planning area. This project is exempt under CEQA.

**County File No: SUB2005-00067**

Assessor Parcel Number(s): 048-181-006,-016

Supervisory District 4

Date Accepted: November 14, 2005

Stephanie Fuhs, Project Manager

**MINUTES:**

Hearing Officer: Warren Hoag

Others: Robert M. Murphy, owner; James Yacono, neighbor.

Kami Griffin, staff, presents project. States that since the initial staff report was prepared, it was brought to staff's attention that there is a major grading permit that was issued in October of 2004 that has since been frozen and expired for lack of action. The grading permit was necessary to resolve an enforcement case that was closed on the issuance of that permit. Staff is proposing to add a new condition #11 that requires that all site restoration necessary to resolve the enforcement case shall be completed pursuant to an approved grading permit prior to the recordation of the map or certificates that effectuate the adjustment and that the restoration can be bonded for. The reason for the bond is that the current owner who was not the owner at the time of the enforcement action, is proposing to construct a single family residence and is currently processing a major grading permit that has already received an environmental review, and a construction permit. Issuance and completion of those permits would resolve the outstanding grading violation. Bonding will allow the lot line adjustment to be recorded and the construction and major grading permits to be issued, and resolve the enforcement action.

Hearing officer requests clarification on the significance of the bond, the bond amount, and timeframe.

Ms. Griffin states the bond amount will be the amount necessary to complete the grading associated with the new major grading permit, assuming that is the one that is going to be completed. She states the bond is usually carried for no more than two years, but typically the County would rather only carry it for one year. Ms. Griffin then states the purpose for the bond is that if the applicant should default, the County then has the money to go ahead and complete the work. Ms. Griffin indicates the amount of the bond would be based on a contractor's estimate for what it would cost to do any part of the work required.

Mike Murphy, Vice President of MZ Enterprises, states the purpose of this Lot Line Adjustment request is to comply with minimum 20-acre Agricultural Land Use requirements. States his intention is to build a house and barn on the property. Indicates he plans to mitigate the grading permit. Was not aware the permit had expired. Spoke to Code Enforcement staff. Indicates his future plans are to make the land more conducive for an out-building or coral for agricultural use and a home where he will live. Indicates all corrections will bring the property into compliance.

Hearing Officer advises Mr. Murphy that staff is recommending he either does the grading before completion of the Lot Line Adjustment or place a bond before approval of the Lot Line Adjustment.

Mr. Murphy states he has already obtained an estimate from a grading contractor for the grading, which he is able to submit to the County on request. States he will either bond for the project or fix it as soon as the rain season is over.

James Yacono, neighbor, states he and his wife, Jackie, own parcel number 26 which is just below parcel number 28 which is the parcel in question here. Mr. Yacono refers to an aerial photo map for review and discussion by staff. He indicates parcel 26 is on a hill. Mentions previous citations regarding grading issues placed on the property now owned by Mr. Murphy. Indicates he had concerns with large amounts of earth that came onto his property due to the previous grading. States he believes what the County had said previously was that the land had to be restored to its original condition and inspected prior to any other work being performed. He indicates his concern is that whatever grading occurs on the property, that it be done in such a way so it won't affect his property which lies directly below the proposed grading site. Indicates he has no problems with the proposed project otherwise. States if Mr. Murphy or MZ Enterprises, as a corporation, decides to build a road to the top of the hill, he would expect the County to demand permits for that and that it would be constructed in such a way as to not affect his property in the future. States he would like to reserve the right to pursue further action at some point in the future if those kinds of things begin to happen.

Hearing Officer responds, stating Mr. Yacono will always have a right to file any additional complaint.

Mr. Yacono questions the simultaneous work. If the grading takes place in tandem with the new work, how will the County say the previous grading work has been remedied if all the work is being done at once.

Hearing Officer responds, stating the work would have to be shown on the new plans and indicates that a building inspector would be out to check progress and conditions on a regular basis.

Kami Griffin, staff, begins to explain when Mr. Murphy, applicant, interjects with a revised grading plan with corrections for review by all. He describes past damage, proposed corrections, and proposed plans regarding runoff.

There is general discussion of the revised plan.

Mr. Yacono addresses his previously mentioned concerns at length, specifically runoff onto his property. He states his concerns with the use of dams. He then asks that Mr. Murphy to address the steep hill and use of dams.

Mr. Murphy indicates the whole project will be completely engineered. He states everything will be done to County standards or above. States work will begin as soon as weather permits.

Hearing Officer states it would be better to wait to proceed until the middle of April. He agrees that Mr. Yacono's concerns are valid. He encourages Mr. Murphy and Mr. Yacono both to review any revised plans together when they are completed.

There is further discussion.

Hearing Officer asks Mr. Yacono if he has any other comments, with Mr. Yacono responding he simply wanted to make his concerns known, and to hear Mr. Murphy say he would take care of those concerns.

Hearing Officer indicates staff will make sure any concerns are conveyed to the appropriate County Personnel in Public Works regarding drainage issues.

Hearing Officer takes additional documents into record from Mr. Yacono, and a memo of March 3, 2006 from Ms. Griffin recommending addition of new condition 11.

**Thereafter, on motion of the Hearing Officer, the Lot Line Adjustment is approved based on Findings 1 through D in Exhibit A and subject to Conditions 1 through 10, with the addition of new Condition 11 to read: "All site restoration necessary to resolve the enforcement case shall be completed, pursuant to an approved grading permit prior to the recordation of the map or certificates of compliance which effectuate the adjustment. The restoration can be bonded for."**

5. Hearing to consider a request by **MICHAEL VAN NEWKIRK** for a Lot Line Adjustment (COAL 05-0358) to adjust the lines between five parcels of 5,050 square feet each. The adjustment will result in two lots of 18,650 square feet and 6,600 square feet each. The project will not result in the creation of any additional parcels. The proposed project is within the Residential Single Family land use category and is located at 2361 and 2381 Paso Robles Street, approximately 75 feet west of 24th Street in the community of Oceano. The site is in the San Luis Bay (Inland) planning area. This project is exempt under CEQA.

**County File No: SUB2005-00101** Assessor Parcel Number: 062-097-006, 007  
Supervisory District: 4 Date Accepted: January 25, 2006  
Michael Conger, Project Manager

**MINUTES:**

Hearing Officer: Warren Hoag

Others: Mike Van Newkirk, owner.

Michael Conger, staff, presents project. Indicates there is nothing new to be added to the staff report as presented.

Michael Van Newkirk, applicant, states he is in agreement with all conditions of the Staff Report and is requesting approval of this project.

Hearing Officer verifies that Mr. Van Newkirk has read the staff report and understands its content and that he has no questions.

**Thereafter, on motion of the hearing officer, the Lot Line Adjustment is approved based on Findings A through D in Exhibit A and subject to Conditions 1 through 10 in Exhibit 9.**

6. Hearing to consider a request by **ROBERT AND PATRICIA KNUDSON** for a Lot Line Adjustment (COAL 05-0405) to adjust the lot lines between 2 parcels of 45.7 and 26.9 acres each. The adjustment will result in two parcels of 40.0 and 32.6 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Agriculture land use category and is located at 3740 Union Road approximately ¾ of a mile east of the City of Paso Robles. The site is in the El Pomar / Estrella area. This project is exempt under CEQA.

**County File No: SUB2005-00136** Assessor Parcel Numbers: 026-441-010, 012  
Supervisory District: 1 Date Accepted: December 15, 2005  
Josh LeBombard, Project Manager

**MINUTES:**

Hearing Officer: Warren Hoag

Patricia Knudson, owner/applicant.

Josh Lebombard, staff, presents project. States there are no changes to the initial staff report

Patricia Knudson, owner/applicant, states she is trying to make the parcels a little more even. Says she has read the staff report and has no additional questions.

Hearing Officer reviews the Conditions of Approval with staff.

**Thereafter, on motion of the hearing officer, the Lot Line Adjustment is approved based on Findings A through D in Exhibit A and subject to Conditions 1 through 9 in Exhibit B.**

There being no further business to discuss, the hearing is adjourned.

Respectfully submitted,  
Mary Velarde, Secretary  
Planning Department Hearings